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LETTER DATED 26 NOVEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions from my Government, I have the honour to transmit to you herewith Iraq's comments on the briefing of the representative of the International Atomic Energy Agency presented during the Security Council consultations of 24 November 1997.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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ANNEX

Iraq's comments on the briefing of the International Atomic Energy Agency to the Security Council on 24 November 1997

I. INTRODUCTION

1. Recent discussions in the Security Council in the nuclear area focused on the report of the International Atomic Energy Agency (IAEA) dated 8 October 1997, which was circulated as document S/1997/779.

2. In this report, IAEA stated clearly that it had completed the task of destruction, removal, and rendering harmless of Iraq's nuclear capabilities. It also stated in the same report that Iraq's "Full, Final and Complete Declaration" (FFCD-F), together with its addenda, conforms to the technically coherent picture of the former Iraqi nuclear programme (INP).

3. Moreover, the ongoing monitoring and verification (OMV) activities of IAEA has confirmed that no proscribed equipment, materials or activities exist in Iraq.

4. Therefore, it is evident that Iraq has fulfilled the obligations in paragraphs 12 and 13 of Security Council resolution 687 (1991), which paves the way, together with a similar report by the Security Council Special Commission (UNSCOM), to lifting the embargo, i.e., the implementation of paragraph 22 of the same resolution.

5. Paragraph 75 of the IAEA report (S/1997/779, annex, appendix) mentions five points of minor significance. These matters are non-technical in nature and could be clarified to the satisfaction of IAEA as part of the OMV activities (as suggested in para. 83 of the same report) and should not defer the immediate closure of the nuclear file. It seems necessary for the Iraqi team (IT) to present further clarifications on these minor points since they have been the subject of recent discussions within the Security Council.

II. THE SO-CALLED "GOVERNMENTAL COMMITTEE"

1. This term was first introduced in an ad hoc talk during May 1997 within the context of movement, destruction of equipment, materials and facilities of the former INP given by a member of the IT.

2. It was unfortunate that the term "Committee" was chosen in this ad hoc talk. In fact, the leadership in Iraq had tasked Deputy Prime Minister Mr. Tariq Aziz from the end of June 1991 to oversee relations with the Security Council on all matters related to proscribed activities under Security Council resolution 687 (1991).

3. In order to implement this task, Mr. Tariq Aziz called upon the advice of a number of officials, as he deemed necessary, and according to the nature of the matter at hand. Any decisions were his and not that of a committee.

4. The decision unilaterally to destroy equipment and materials of the former INP was issued by Mr. Aziz at the end of June 1991.

5. The letter of the Foreign Minister of Iraq to the Secretary-General of the United Nations of 7 June 1991 stated clearly the motivation for the unilateral destruction implemented by Iraq at that time.

6. The Action Team (AT) leader, together with two senior IAEA AT members, met with Iraq's Foreign Minister on 23 July 1997 and the subject of the so-called "Governmental Committee" was elaborated in detail by the Foreign Minister. IT letters dated 3 and 22 September 1997 provided adequate clarifications.

III. EXTERNAL ASSISTANCE TO THE FORMER INP

1. Iraq voluntarily handed over to the IAEA AT the so-called Haider House Farm documents. Included with these documents was a file of several hundred pages of correspondence between IAEC/Petrochemical Project 3 (PC-3) and the Mukhabarat (as stated in IAEA's briefing of 24 November 1997).

2. The procurement aspect in this relationship has been fully clarified to the IAEA AT and was demonstrated to be a very minor procurement channel. IT letters dated 15 and 22 September 1997 provided adequate clarifications.

3. This file also contained unsolicited offers received by IAEC/PC-3 through this channel.

4. The IAEA AT translated the complete file into English and produced sample documents from the file "to refresh the memory of IT members".

5. Since there is only one original copy of this file in existence, and this copy is in IAEA possession, then it is reasonable to assume that IAEA has all the information related to this matter.

6. IT pointed out that the information contained in this file is authentic and needs no further corroboration.

7. Moreover, IT wishes to point out categorically that no external assistance was received by the former INP other than that already declared to the IAEA AT. If IAEA possesses any evidence contrary to this IT statement of paragraph 7 then it should be declared.

8. Upon his return to Iraq from the forty-first General Conference of IAEA, Iraq's Minister of Culture and Information made a serious effort in his attempt to locate any documents or additional relevant information pertinent to this matter and his efforts have not added anything of substance. He is now convinced that nothing more could be found.

9. The IAEA AT leader pointed out to the Security Council "the serious challenge that would be posed to the OMV plan of IAEA, if Iraq were to acquire directly weapons-usable nuclear materials". IT considers this to be a false and misleading statement, both scientifically and technically. It grossly

oversimplifies the extent of resources needed to accomplish usable nuclear weapons starting only from the nuclear pit materials.

IV. THE HUSSEIN KAMEL AGENDA

1. IT made it abundantly clear that the former INP was practically abandoned and terminated during April 1991. The IT letter of 31 August 1997 and its attachments provide adequate details for final verification.

2. IT also provided a detailed list of 66 directives and decrees indicating the abandonment of the former INP in its letter of 26 August 1997. The full organigrams of PC-3 and the uranium centrifuge enrichment group (EDC) were included. Also included were the definitions of new missions for the former participating entities, which constitute additional proof for programme abandonment.

3. IT provided in its letter of 3 September 1997 a detailed account of its action from March 1991 onwards in connection with the destruction of materials, equipment, facilities and documentation. A possible motive for the actions of the late Hussein Kamel is offered.

4. IT points out that this question was fully addressed during discussions in May and July 1997 as well as the IT letters mentioned above. Moreover, UNSCOM and IAEA officials were the last to interview the late Hussein Kamel in Amman and they probably inquired about his agenda. IT showed no reluctance in addressing this question but have no additional information other than that already provided to IAEA.

V. SUMMARY OF PRACTICAL AND THEORETICAL ACHIEVEMENTS

1. This matter was first raised by the IAEA AT in May 1997. The IT letters of 15 and 22 September 1997 addressed this point in detail.

2. IT awaits the response of the IAEA AT to its letter of 22 September 1997.

3. All former INP achievements are fully detailed in the FFCD-F and its annexes. The preparation of a "Summary" is purely an editorial task and has no practical value. Its significance is only historical.

4. Attachment 1 of the IAEA report (S/1997/779, annex, appendix) dated 9 October 1997 is a 40-page summary of the former INP. This probably meets IAEA's needs and IT has no comments on its contents.

VI. POST-WAR PROCUREMENT SYSTEM

1. This matter is entirely unrelated to the former INP.

2. IT addressed the clarifications posed by the IAEA AT in three letters dated 4 and 27 September and 13 October 1997.

3. AT needed further clarifications on this subject and these are being processed.

VII. CONCLUSION

1. A letter dated 19 August 1997 invited the IAEA AT leader to visit Baghdad to review and finalize all outstanding matters and to bring them to conclusion. The AT leader did not respond to this invitation!

2. A second letter, dated 4 September 1997, also invited the AT leader to visit Baghdad to finalize all matters related to the former INP. Moreover, the AT leader was informed that Deputy Prime Minister Mr. Tariq Aziz would grant him a personal interview to clarify the so-called "Governmental Committee" and "The Hussein Kamel Agenda" so that these matters could be closed. The AT leader declined the invitation, claiming he could not fit this visit into his busy schedule!

3. The IAEA AT leader was finally scheduled to visit Baghdad during the period 4 to 7 November 1997 to finalize these minor points and failed to implement his schedule.

4. It is evident from the foregoing presentation that IAEA's adopted policy of procrastination is being maintained and the five points mentioned in paragraph 75 of the IAEA report are considered by IT to be the fuel for this policy. These points have been fully addressed by IT and nothing of substance remains. In any case, IT is willing to clarify, in the course of implementation of the OMV plan, any further points that may arise in the future.

5. Therefore, it is prudent to "close the nuclear file" since "Iraq has fulfilled the obligations specified in section C of Security Council resolution 687 (1991), which paves the way, together with a similar report by UNSCOM, to lifting the embargo, i.e., the implementation of paragraph 22 of the same resolution".